

DOCKET NO.: DM-6964C (BMS-2595)
Application No.: 10/786,992
Office Action Dated: January 18, 2006

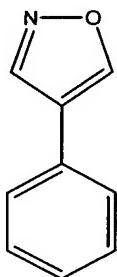
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37 CFR § 1.116

REMARKS

Claims 10, 13 and 14 are pending. Claim 10 is amended herein, without prejudice.

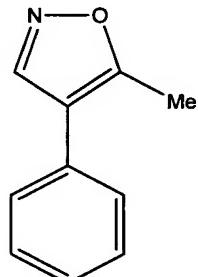
In the Office Action dated January 18, 2006, the rejection of claim 10 as anticipated by several references was maintained. Applicants respectfully traverse this rejection. However, Applicants have partially adopted the Examiner's suggested language, to clarify the meaning of the provisos at the end of the claims. Applicants respectfully submit that the provisos as presented exclude any overlap with the cited art.

As correctly pointed out in the Office Action dated April 1, 2005, the cited abstract to the article by Guiseppe Del Re discloses the compound 4-phenyl isoxazole, which has the following structure:



In this compound, R² is H and the phenyl ring is not substituted. 4-phenyl isoxazole is therefore excluded by proviso (1) of claim 10, which specifies that when R² is H, the phenyl ring must be substituted with 1 to 4 R¹ substituents.

Bowie et al., at page 570, describes compound XIV, having the following structure:

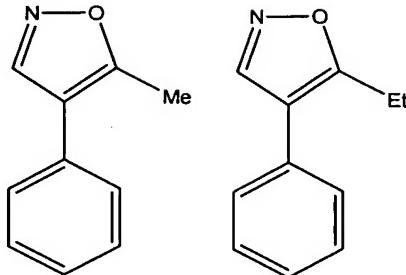


This compound is also excluded by proviso (1), which specifies that when R² is methyl, the phenyl ring must be substituted with 1 to 4 R¹ substituents. Thus, compound XIV from Bowie et al. is also not within the scope of claim 10.

Similarly, the article by Hiroyuki Yasuda cited in the Office Action describes the following two compounds:

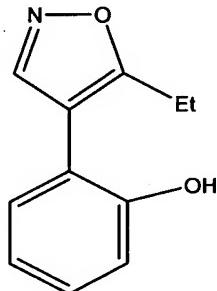
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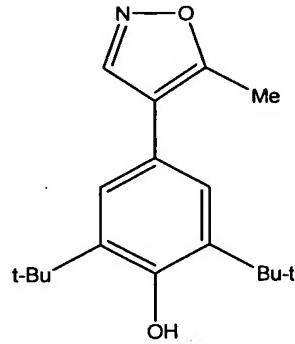
As discussed with regard to the Bowie et al. reference, these compounds are also excluded by proviso (1) of claim 10, which specifies that when R² is methyl or ethyl, the phenyl ring must be substituted with 1 to 4 R¹ substituents.

Royer et al. describe at page 1746 compound IIb, which has the following structure:



Applicants respectfully submit that this compound is excluded by proviso (2) of claim 10, which specifies that when R² is unsubstituted C₁-C₄ alkyl, then the phenyl ring is not substituted by OH.

Similarly, Yasuo et al., JP58148858 describes the following compound:



This compound is also excluded by proviso (2) of claim 10, which specifies that when R² is unsubstituted C₁-C₄ alkyl, then the phenyl ring is not substituted by OH.

Applicants respectfully submit that the provisos therefore exclude any overlapping compounds described in the cited references. Accordingly, Applicants respectfully request

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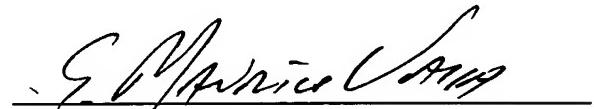
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that the rejection of claim 10 as anticipated by the foregoing references be reconsidered and withdrawn.

Although it is asserted in the Office Action that claims 13 and 14 are anticipated, no art has been cited that discloses the compounds recited in these claims. Applicants presume that these claims are merely objected to, for their dependence from the rejected base claim. Accordingly, Applicants respectfully request that any objection to these two claims also be withdrawn.

The foregoing is a bona fide attempt to fully respond to all issues raised in the Office Action dated January 18, 2006. Applicants respectfully submit that the pending claims are in condition for allowance, and a Notice of Allowance of all of pending claims 10, 13 and 14 is requested respectfully. If the Examiner is of a different opinion, or has any other questions or comments regarding the allowability of this application, the favor of a telephone call to Applicants' undersigned representative is respectfully requested.

Date: February 17, 2006



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